APPENDIX

Supreme Court, U. S.
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In the Supreme Court of the United States

OCTOBER TERM, 1977

NO. 77 - 178

WILLARD E. ROBERTSON,

Petitioner

versus

EDWARD F. WEGMANN, EXECUTOR FOR CLAY L. SHAW, *ET AL.*,

Respondents

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS FOR THE FIFTH CIRCUIT

Petition for Certiorari Filed August 1, 1977
Certiorari Granted December 5, 1977

IN THE
SUPREME COURT OF THE UNITED STATES

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All items, except the docket entries (reprinted hereinafter), which Supreme Court Rule 36 requires for an appendix to a brief on the merits were previously printed as the Appendix to the Petition for Certiorari and appear on the following pages of that Appendix:

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APPENDIX F

DOCKET ENTRIES OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA

Proceedings

2/27/70	Flg. COMPLAINT. Issg. 4 summons
3-6-70	Flg. request for 2 summ. Issg. Same.
3/9/70	Flg. rtn on 1 summons. Served Cecil M. Shilstone - Jane S. Fleshman, 3/5/70.
3/9/70	Flg. rtn on 1 summons. Served Jos. M. Ralt, Jr. 3/5/70.
3/10/70	Flg. rtn on 1 summons. Served Jim Garrison thru Jim Alcox, 3/5/70
3/23/70	Flg. Mtn of deft., Willard E. Robertson and ORDER that he granted an extension of time up to and including 4/27/70, within which to plead, etc. (FJRH) 3/23/70 Ent. 3/24/70 Issg. Not.
3/20/70	Flg. Mtn of deft., Jos. M. Rault, Jr. and ORDER that he is granted an extension of time up to and including 4/27/70 within which to plead etc. (FJRH) 3/23/70 Ent. 3/24/70 Issg. Not.
3/23/70	Flg. Mtn of deft. Jim Garrison, and ORDER that he is granted an extension of time up to and including 4/27/70, within which to plead, etc. (FJRH) 3/23/70 Ent. 3/24/70 Issg. Not.

3/24/70 Flg. rtn. on 1 sumns, served Williard E. Robertson thru Barbara Krippar, 3/19/70.

4/13/70 Flg. rtn on 1 sums, served 4/8/70 Perry Raymond Russo, personally.

4/21/70 Flg. deft's., Jos. M. Rault, Jr., Mtn for extension of time to plead and ORDER same until 5/27/70. (FJRH)

4/21/70 Flg. Mtn of deft., Willard E. Robertson, for extension of time within which to plead and ORDER granting same until 5/27/70. (FJRH)

4/22/70 Mtn of Perry Raymond Russo and ORDER that he is granted an extension of time to plead up to and including 5/28/70. (FJRH)

4/23/70 Rtn on 1 sums. exec. 4/10/70, Dr. Esmond A. Fatter.

4/22/70 Mtn of deft, Jim Garrison and ORDER that he is granted an extension of time to 5/27/70 to plead. (FJRH) 4/23/70

4/30/70 Mtn for summary judgment by deft., Cecil M. Shilstone, Notice of Hrg on 5/20/70
Attachments anexed.

5/20/70 Hrg. on Mtn of deft., Cecil M. Shilstone for summary judgment - contd to be reassigned. (FJRH)

5/20/70 Mtn of Clay L. Shaw and ORDER that hrg on deft. Cecil M. Shilstone's mtn for summary judgment is contd until pltf shall have had an opportunity to take the depositions of defts and others. (FJRH)

5/22/70 Mtn of defts, Willard E. Robertson and Jos. M. Rault, Jr. to dismiss; Notice of Hrg. on 9/16/70

5/22/70 Mtn of deft Jim Garrison to dismiss; Notice of hrg on 9/16/70; Memo.

5/26/70 Mtn of Perry R. Russo for extension of time to plead ORDER DENIED. (FJRH) 6/1/70 ent 6/1/70

6/4/70 Mtn of deft. Perry Raymond Russo to dismiss; Notice of hrg on 9/16/70; Memo.

9/1/70 Deft Cecil M. Shilstone's Motion to Dismiss and notice of hrg on 9-16-70.

9/4/70 ANSWER by Dr. Esmond A. Fatter.

9/3/70 M & O that hearing on respective motions of defts. Jim Garrison, Willard E. Robertson, Joseph M. Rault, Jr., Cecil M. Shilstone and Perry Raymond Russo to dismiss action fixed for hearing on 9/16/70 are continued to November 4, 1970. FJRH 9/3/70 Ent. 9/4/70 Issg. notices.

9/30/70 Pltf's interrog to Joseph M. Rault, Jr.
9/30/70 Pltf's interrog to Cecil M. Shilstone.
9/30/70 Pltf's interrog to Willard E. Robertson.

10/6/70 Interrog. by pltf to Jim Garrison

10/12/70 Mtn of defts for order that no objections or answers need be made to interrog.; Notice of

Hrg. 11/4/70; ORDER that defts are relieved from object ng to and/or answering the interrog propounded to them by pltf, pending determination of the foregoing mtn. (FJRH) 10/12/70 ent 10/13/70 Memo annexed.

10/12/70 Deft Jim Garrison Mtn for order that no objections or answers need be made to interrog.; Notice of Hrg. 11/4/70; ORDER that deft Jim Garrison is relieved from objecting to and/or answering the interrog propounded to him by pltf., pending determination of the foregoing mtn. (FJRH) 10/12/70 ent 10/13/70 Memo annexed.

10/16/70 Mtn of defts and ORDER that the motions to dismiss filed on behalf of various defts. and which are set for hrg on 11/4/70 are contd to be refixed for hrg. at a later date on the motion of counsel of record for any of the parties to these proceedings. (FJRH) 10/15/70 ent 10/19/70

10/22/70 Motion of deft. and ORDER that the motion to dismiss heretofore filed by deft. Perry Raymond Russo and which is set for hearing on 11/4/70, be & the same is hereby cont'd to be refixed for hearing at a later date on the motion of counsel for any of the parties to these proceedings. 10/23/70 (FJRH) Ent. 11/26/70.

10/30/70 Pltf's Mtn to recall ex parte order of 10/12/70 and for order to permit discovery; Notice of Hrg. 11/4/70

11/4/70 Hrg. on Mtn of defts Willard E. Robertson and Jos. M. Rault, Jr. for Order that no objections or answers need be made to interrogatories and Mtn of deft. Jim Garrison for Order that no objections or answers need be made to interrog. DENIED with prejudice. (FJRH) ent 11/4/70 (Hrg. on Mtn of pltf to recall ex parte order of 10/12/70 and for order to permit discovery - GRANTED.)

12/7/70 Cert. copy of ORDER from Court of Appeals that petitioner's mtn for a writ of mandamus, filed is DENIED. That petitioners' mtn. for stay is DENIED.

12/21/70 Deft. Garrison's Answers to Interrog. w/large box of exhibits.
12/21/70 Deft. Rault's answers to interrog.
12/21/70 Deft. Robertson's Answers to interrog.

12/29/70 Defts' mtn to dismiss notice of hrg. 1/13/71.
12/29/70 Deft. Garrison notice of hrg 1/13/71, mtn to dismiss.

12/31/70 Pltf's Mtn. for order compelling answers to interrogs., notice of hrg. 1/13/71. Attachments annexed.

1/13/71 Hrg. on Mtn. of defts Robertson and Rault to dismiss, Mtn of deft Garrison to dismiss, Mtn of pltf for order compelling answers to Interrogs. - Contd to 1/27/71. (FJRH) ent 1/13/71.

1/15/71 Cecil M. Shilstone's Answers to interrogs.

1-8-71 Pltfs Mtn for continuance & ORDER (FJRH) that hrg on mtns to dismiss are continued from 1/27/71 to March 31, 71 at 10 a.m., Signed 1-15-71, ent. 1-25-71.

1/22/71 Deft.Perry Raymond Russo's notice of hrg. on 3/31/71 on Mtn to dismiss complt.

3-31-71 M.E. and order that the motion set for 3-31-71 is continued to 5-12-71. (FJRH) ENT 3-31-71.

5-10-71 Motion and order that the firm of Denechaud and Denechaud is authorized to withdraw as counsel for the deft Cecil M. Shilstone. Further ordered that the firm of Sehrt, Boyle, Wheeler and Butler is recognized as counsel for the deft Cecil M. Shilstone. (FJRH) ENT 5-12-71

5-12-71 Hrg on motion of defts Robertson and Rault to dismiss. Motion of deft Jim Garrison to dismiss. Motion of Pltf for order compelling answers to Interrog. Motion of deft C.M. Shilstone to dismiss. Motion of deft P. R. Russo to Dismiss. (1) (2) (3) (4) and (5) Motion ordered dismissed as being MOOT. (1) (2) (4) (5) CONTINUED AS AN Open matter until 6-30-71. Pltf has 30 days or until 6-12-71 to amend complaint. (FJRH) ENT 5-14-71

6-11-71 Pltf's motion and order that pltf is given leave to amend complaint. (FJRH) ENT 6-14-71

6-11-71 Pltf's supplemental and amended complaint.

6-18-71 Deft's motion and order that the hrg on the respective motions of defts Jim Garrison, Willard E. Robertson and J. M. Rault, Jr. to dismiss this action presently fixed for hrg on 6-30-71 is continued to 9-22-71 (FJRH) ENT 6-21-71

6-21-71 Deft Cecil Shilstone's motion and order that the hrg on the motion of deft Shilstone, to dismiss this action set for hrg on 6-30-71 is continued to 9-22-71 (FJRH) ENT 6-23-71

9-24-71 Defts Garrison, Robertson, Rault and Shilstone's motion to dismiss this action set for hrg on 9-29-71 is continued to 10-20-71. (FJRH) ENT 9-28-71

9-29-71 Motion of defts Robertson and Rault to dismiss; Motion of deft Jim Garrison to dismiss; Motion of Deft C. M. Shilstone to dismiss; Motion of deft Perry R. Russo to dismiss. Continued to 10-20-71. (FJRH) ENT 9-29-71.

10-5-71 M.E. and order that the hrg on the following motions, (1) motion of defts Robertson and Rault to dismiss; (2) Motion of deft J. Garrison to dismiss; (3) Motion of deft Shilstone to dismiss; and (4) Motion of deft P.R. Russo to dismiss; previously set for 10-20-71 is continued to 10-20-61 at 4:00 P.M. (FJRH) ENT 10-5-71.

10-20-71 Hrg on motion of defts Robertson and Rault to dismiss
Hrg on motion of deft Garrison to dismiss
Hrg on motion of deft Shilstone to dismiss

Hrg on motion of deft Russo to dismiss. (SUBMITTED) (FJRH) ENT 10-22-71

10-29-71 M.E. and ORDER that motion of defts J.M. Rault, W.E. Robertson, J. Garrison, C.M. Shilstone and P.R. Russo, to dismiss is Denied. (FJRH) ent 11-1-71.

11-5-71 Deft's motion for certification under interlocutory appeals act and order allowing this motion to be heard on 11-10-71. (FJRH) ENT 11-5-71.

11-10-71 Deft Russo's motion for certification under Interlocutory Appeals Act and notice of hrg on 11-10-71.

11-24-71 Joint stipulation that defts, Garrison, Robertson, Rault, Shilstone and Russo shall not seek from this court, nor from the Court of Appeals for the 5th Circuit, a stay of these proceedings, pending a decision by the Court of Appeals on their application for an appeal from the Court's judgment of 11-1-71 denying their mothons to dismiss.

12-1-71 ORDER of certification under interlocutory appeals Act. (FJRH) ENT 12-171

1-5-72 Mandate and order from the 5th Circuit Court of Appeals. Order that leave to appeal from the interlocutory order of the U.S. Dist. Court entered on 12-1-71 is DENIED. (BROWN) ENT 1-5-71.

4-24-72 ANSWER of Deft. Jim Garrison to complt.

4-24-72 ANSWER of Defts. Robertson and Rault to complt.

12-19-72 M.E. (FJRH) 12/18/72 a status conference was held this day; ORDERED that all discovery in theis matter ve completed by 4/27/73 and all motions filed by 4/26/73 and this matter placed on trial docket; pre-trial conference is set for 4/27/73 at 9:30 a.m. and trial is set for 6/18/73 at 10:00 a.m. with jury ent. 12/20/72.

12-22-72 M.E. (FJRH) 12/18/72 status conference was held this day in the above-entitled matter ORDERED that all discovery in this matter be completed no later than 4/27/73; and all motions be filed with the court by 4/26/72; and this matter be placed on trial docket; pre-trial conference is set for 4/27/73; trial is set for 6/18/73 at 10:00 a.m. with jury (FJRH) ent. 12/26/72.

1-4-73 M.E. Status conf. held on 12-18-72; ORDER that case be placed on trial docket; That pre trial conf is set for 4-27-73 at 9:30 am; Trial is set for 6-18-73 at 10am with jury. (FJRH) ent 1-5-73.

1-15-73 Defts. Jim Garrison, Joseph Rault, and Willard Robertson's interrogatories to Pltf.

3-2-73 Pltf.'s Answers to interrogs.

3-29-73 Defts. mtn to continued pre-trial and discovery deadline; hearing 4-25-73 10am.

3-29-73 Defts. objections to pltfs. answer to interrs. and mtn to compel proper answers; hearing 4-25-73 10am.

4-3-73 M.E. (MLS) ORDERED that the Motion to continue Pre-trial ocnference and Discovery scheduled for Hrg. 4-25-73 be reset to 4-19-73 at 9:00 a.m. ent. 4-4-73.

4-5-73 M.E. (MLS) ORDERED; All motions set for hrg. 4-25-73 are reset for 4-19-73 at 9:a.m.ent.4-5-73

4-11-73 Defts.'s motion to continue deadline for filing of motions and Hrg. 4-19-73 at 9:a.m.

4-16-73 ORDER of reference to U.S.Mag.Sear for hearing and disposition of discovery motions (FJRH) 4-16-73.

4-16-73 Pltf.'s certificate Re meeting pursuant to local rule 4D.

4-19-73 M.E. (MLS) ORDERED; Deft.'s Motion to continue pre-trial conf. and discovery and motion to continue deadline for filing, GRANTED, Deft.'s motion to compel answers to interrogs. GRANTED in part; DENIED in part.

5-3-73 Joint Motion and ORDERED that the trial of this case scheduled for 6-18-73 be continued to be fixed at a later date.(FJRH) 5-14-73 ent. 5-17-73.

5-31-74 M.E. (FJRH) ORDERED that the status conf. set in this matter be, cont'd to 6-17-74, @9:15 a.m.

6-5-74 M.E. (FJRH) ORDERED that status conf. set for 6-17-74, be cont'd. to 6-26-74 @ 9:30 a.m. Ent. 6-6-74.

6-10-74 Deft.'s motion and ORDERED, that John P. Volz, be allowed to withdraw as counsel for deft.; (FJRH), Ent. 6-11-74.

6-27-74 M.E. (FJRH) 6-26-74 status conf. held; pre-trial conf. 10-23-74, @ 9:a.m.; trial 11-4-74, @ 10:a.m. with a jury; Ent. 6-27-74.

6-26-74 MOTION AND ORDERED; (FJRH) that F. Irvin Dymond, be entered as co-counsel for pltf. Ent. 6-27-74.

7-8-74 Deft. Fatter's motion and ORDERED that Richard C. Balwin be enrolled as counsel of record; (FJRH), Ent. 7-10-74.

7-12-74 Deft. Dr. Fatter's motion fo summary judgment and notice of hrg. 9-25-74, @ 10:a.m.

7-17-74 Pltf.'s Amended and Supplemental answers to interrogatories of defts.

7-26-74 Deft's notice to take the deposition of Pltf. on 8-6-74.

7-26-74 Cecil Shilstone's motion and ORDERED that the name of Peter J. Butler and Clem T. Sehert be entered as co-counsel for Cecil Shilstone; (FJRH), 7-29-74, Ent. 7-30-74.

8-14-74 Defts J. Rault, Jr., and Willard E. Robertson's 2nd set of interrogs to pltf.

8-28-74 Defts. Rault & Robertson SUGGESTION OF PLAINTIFF'S DEATH.

9-3-74 Deft. Perry Raymond Russo's suggestion of pltfs. death.

9-9-74 Mtn of defts to dismiss for stinguishment of claim; hrg set 9-25-74 at 10 a.m.

9-10-74 Motion of deft Cecil M. Shilstone to dismiss; HRG set for 9-25-74 at 10am.

9-11-74 Deft. Fatter's mtn. to dismiss; hrg. 9/25/74.

9-11-74 Deft. Fatter's suggestion of pltfs. death.

9-18-74 Mtn of Deft Dr. Fatter to dismiss; hrg set 10-23-74 at 10 a.m.

9-25-74 Pltf.'s MTN. & ORDER hearing on Mtns. to dismiss CONTINUED to 10/23/74. FJRH 9/25/74. ent. 9/25/74.

9-10-74 Deft. C.M. Shilston MTN & ORDER To Extend Deadline for Filing Mtns. to 2/10/74. FJRH 9/25/74, ent. 9/25/74.

9-27-74 HRG: 9/25/74, MTN's of Deft.'s to Dismiss CONTINUED to 10/23/74. (FJRH) ent. 9/27/74.

9-30-74 Mtn of Edw. Wegmann for substitution of party's pltf; hearing 10-23-74 10am.

10-4-74 Mtn. of Edward Wegmann & ORDER SUBSTITUTING HIM as him as pltf. in lieu of Clay L. Shaw. FJRH/ ent. 10/7/74.

10-9-74 MTN. & ORDER: Trial set 11/4/74 CONTINUED TO 3/10/75.

10-18-74 Sub. Pltf.'s Opposition to Mtn. to Dismiss.

10-24-74 M.E. Hrg. Held 10/23/74 Arguments SUBMITTED. FJRH, ent. 10/24/74.

11-12-74 M.E. Disclosure by Ct. atty retained in personal matter member of firm "Garrison" ORDER: Copies of this Disclosure to be served on counsel by 11/12/74; If objection filed, case to be realloted; Filing of objection not be be made knows to FJRH. sgd. FJRH 11/12/74, ent. 11/12/74.

12-3-74 M.E. Parties are directed to file written brief by 12/20/74; Additional oral argument is not considered necessary for the Ct. to reach its decision. Ct. will defer decision on all of the defendants' mtns. pending receipt of their briefs. FJRH, ent. 12/3/74.

3-4-75 OPINION: & ORDERED that the mtn on behalf of defts Rault, Shilstone, Robertson, & Dr. Esmond A. Fatter to dismiss for abatement of the action due to the death of pltf, Clay Shaw is DENIED; & that the mtn on behalf of defts

Rault, Shilstone, Robertson & Fatter to dismiss for failure to state a claim under 42 USC 1985, 1986, upon which relief can be granted is GRANTED (FJRH) ent 3/4/75.

3-10-75 Joint Mtn & ORDERED that all proceedings in this Court be stayed pending final disposition of any interlocutory appeal from said order of March 4, 1975 (FJRH) ent 3/13/75.

3-18-75 Defts. mtn & ORDERED that the copies of the Affidavit of Heirship & the last Will & Testament of Clay L. Shaw, fully described as Appendix C & Appendix D are transmitted to the Clerk of this Court to be filed in the record. (FJRH) ent 3/19/75

3-19-75 Filing Affidavit

4-9-75 (5th Circuit Court of Appeals) ORDERED that leave to appeal from the Interlocutory order of the U.S. Dist. Court for the Eastern Dist. of La. entered on 3/13/75 is Granted.

4-16-75 Bond for Costs on Appeal in the amt of $250.

APPENDIX G

DOCKET ENTRIES OF THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

4/18/75 Record on Appeal

4/18/75 Exhibits

5/16/75 Appendix

5/23/75 Brief - Appellants

6/10/75 Brief - Appellee

6/17/75 Extension for Reply Brief to 6/24/75

6/24/75 Reply Brief for Appellants

3/31/76 Case assigned for 5/11/76

5/11/76 Case argued

1/24/77 Opinion rendered

1/27/77 Mot. for Ext. - Rehearing - Ext. to 2/21/77 (Appellants)

2/17/77 Mot. for Ext. - Rehearing - Ext. to 3/7/77 (Appellants - Rault, et al)

2/18/77 Flg. granting of extension to incl. 3/7/77 for filing pet. for rehearing by appellant, Shilstone.

3/7/77	Flg. motion of appellant, Willard E. Robertson, to file pet. for rehearing en banc in excess of 15 pages, not to exceed 18 pages. (GRANTED - BEW)
3/7/77	Petition for rehearing - En Banc
6/20/77	Order denying rehearing (En Banc)
6/24/77	Stay of mandate
8/8/77	Notice of Flg. of Cert. Pet. on 8/1/77
12/12/77	Order of S.C. Granted 12/5/77
12/19/77	Preparing Proceedings on Certiorari (orig. record)